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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

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24 FEDERAL TRADE COMMISSION,
25 Plaintiff,
26 v.
27 SWISH MARKETING, INC., a corporation,
28 MARK BENNING, individually and as an
officer of SWISH MARKETING, INC.,
MATTHEW PATTERSON, individually and
as an officer of SWISH MARKETING, INC.,
and
JASON STROBER, individually and as an
officer of SWISH MARKETING, INC.,
Defendants.

Case No. C09-03814 -RS

Hearing Date: October 7, 2010
Hearing Time: 1:30 p.m.
Courtroom: 3, 17th Floor

**PLAINTIFF'S STATEMENT OF
RECENT DECISION**

29 Pursuant to Civil Local Rule 7-3(d), Plaintiff the Federal Trade Commission submits this
30 Statement of Recent Decision to bring to the Court's attention the United States District Court
31 for the Northern District of California's recent decision in *FTC v. Inc21.com Corp.*, Case No.

PLAINTIFF'S STATEMENT OF RECENT DECISION - C09 3814 RS

1 3:10-cv-00022-WHA (Dkt # 162) (N.D. Cal., Sept. 21, 2010). Attached hereto as Exhibit A is a
2 copy of that opinion.

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4 DATED: /s/ Kerry O'Brien

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FEDERAL TRADE COMMISSION